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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,621

09/30/2003

Gregory Ehlers

68,185-002

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EXAMINER

TRIEU, VAN THANH

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,621

Applicant(s)

EHLERS, GREGORY

Examiner

Van T Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "recovery beacon" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 recites the limitation "the controller" in line1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 and 11-29 are rejected under 35 U.S.C. 102(b) as being anticipated by **Hoffman et al** [US 6,624,754].

Regarding claim 1, the claimed control point (the central dispatch station 80 with computer system 90 and a programmable microprocessor, see Figs. 1 and 7, col. 8, lines 29-47, col. 12, lines 17-24 and col. 14, lines 34-39); and the remote node (the portable signaling unit 20 and the remote alarm switch unit 40 comprising a microcontroller 106 for continuously polls the alarm inputs to detect a change in security conditions such as distress, kidnapping; an individual 50 various health conditions, a low battery status and malfunction, which is automatically or manually transmitted to the central dispatch station 80 via radio communications, see Figs. 1 and 4-8, col. 4, lines

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45-67, col. 5, lines 25-56, col. 6, lines 35-59, col. 10, lines 22-67, col. 11, lines 1-67, col. 12, lines 1-60, col. 13, lines 24-48).

Regarding claim 2, all the claimed subject matters are cited in respect to claim 1 above, and including the microprocessor of the computer system 90 generates an alarm status display information in response to the received alarm signal, see Figs. 1, 7 and 8, col. 8, lines 34-44 and col. 13, lines 21-33.

Regarding claim 3, all the claimed subject matters are cited in respect to claim 2 above.

Regarding claim 4, all the claimed subject matters are cited in respect to claim 2 above, and including the central dispatch station 80 continuously detects the presence of the remote alarm switch unit 40 and signaling unit 20 within a predetermined boundary, see col. 5, lines 15-19, col. 14, lines 24-31.

Regarding claim 5, all the claimed subject matters are cited in respect to claim 4 above, and including the central dispatch station 80 also detects the absence of the remote alarm switch 40 and signaling 20 when it is outside of the predetermined boundary or proximity or broken, see col. 14, lines 24-31.

Regarding claim 6, all the claimed subject matters are cited in respect to claim 5 above.

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Regarding claim 7, all the claimed subject matters are cited in respect to claim 6 above, and including the predetermined distance is programmed by the microprocessor of the computer system 90, see col. 14, lines 24-39.

Regarding claim 8, all the claimed subject matters are cited in respect to claim 4 above, and including the automatic interrogation signals for monitoring the presence of the remote alarm unit 40 and the signaling unit 20, see col. 14, lines 24-31.

Regarding claim 9, all the claimed subject matters are cited in respect to claims 2 and 8 above.

Regarding claim 11, all the claimed subject matters are cited in respect to claim 1 above, and including the health conditions of individual 50, see Figs. 1, 5, 6 and 8A.

Regarding claim 12, all the claimed subject matters are cited in respect to claim 1 above, and including the consciousness of the individual 50 to manually activates one of the push-button switches 24a, 24b, 24c, etc, see Figs. 5, 6 and 8A.

Regarding claim 13, all the claimed subject matters are cited in respect to claim 1 above, and including the attentiveness of the individual 50 such as the health trauma or alerting of the attacking or kidnapping for summon assistance, see Figs. 5, 6 and 8A, col. 4, lines 45-49, col. 6, lines 35-43 and col. 10, lines 40-57.

Regarding claim 14, all the claimed subject matters are cited in respect to claim 1 above, and including the remote alarm switch unit 40, see Figs. 1-4, col. 9, lines 4-7 and col. 14, lines 44-46.

Regarding claim 15, all the claimed subject matters are cited in respect to claim 1 above, see Figs. 1-4.

Regarding claim 16, all the claimed subject matters are cited in respect to claim 15 above, and including the remote alarm switch 40 and/or the signaling unit 20 remotely controls the dispatch station 80 to activate the computer system 90 and the display console 92 for displaying of the conditions and location of the remote alarm switch unit 40 and signaling unit 20, see Figs. 1, 7 and 8, col. 13, lines 21-67 and col. 14, lines 1-61.

Regarding claim 17, all the claimed subject matters are cited in respect to claim 15 above, and including the external system (the GPS 60, LORANC-C, GLONASS, the cellular telephone 70 or PCS, see Fig. 1, col. 5, lines 45-67, col. 6, lines 1-3.

Regarding claim 18, all the claimed subject matters are cited in respect to claims 1 and 17 above.

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Regarding claim 19, all the claimed subject matters are cited in respect to claim 1 above, and including the remote alarm switch unit 40 and/or signaling unit 20 periodically generates signal at a predetermined time interval, see col. 9, lines 35-42, col. 11, lines 49-51 and col. 14, lines 24-28.

Regarding claim 20, all the claimed subject matters are cited in respect to claim 1 above, and including the request signal from the control point or the central dispatch station 80, see col. 6, lines 60-63 and col. 14, lines 5-10.

Regarding claim 21, all the claimed subject matters are cited in respect to claim 20 above, and including the position locating system such as the GPS, LORAN-C or GLONASS or Map Information, see Fig. 7, col. 5, lines 45-67, col. 6, lines 1-27, col. 13, lines 21-67 and col. 14, lines 1-10.

Regarding claim 22, all the claimed subject matters are cited in respect to claim 21 above, and including the digital map program to generate a position location signal to be displayed on the display console 92, see col. 13, lines 45-58.

Regarding claim 23, all the claimed subject matters are cited in respect to claim 1 above, and including the position of the individual 50, see Fig. 8, col. 14, lines 17-23.

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Regarding claim 24, all the claimed subject matters are cited in respect to claim 23 above, col. 14, lines 17-31.

Regarding claim 25, all the claimed subject matters are cited in respect to claim 1 above, and including the GPS, LORAN-C or GLONASS, see Fig. 1.

Regarding claim 26, all the claimed subject matters are cited in respect to claims 23 and 24 above.

Regarding claim 27, all the claimed subject matters are cited in respect to claim 21 above, and including the GPS receiver 100, see Fig. 6.

Regarding claim 28, all the claimed subject matters are cited in respect to claims 1 and 17 above.

Regarding claim 29, all the claimed subject matters are cited in respect to claim 28 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10, 30, 31 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hoffman et al** [US 6,624,754]

Regarding claim 10, **Hoffman et al** fails to disclose the second node located with respect to a second operator for detecting a predetermined condition of the second operator and responsively delivering a second signal to the control point through the wireless communication channel, the controller allowing the one of a machine and process to be started in response to receiving the second signal. However, **Hoffman et al** teaches that the personal security and tracking system comprising a central dispatch station 80 for receiving distress and/or health conditions related to an individual 50 and a low battery status from the remote alarm switch unit 40 and the signaling unit 20 being worn by the individual 50, see Figs. 1-8, col. 4, lines 14-67, col. 5, lines 1-67 and col. 6, lines 1-18. Since the individual 50 is an example to be monitored and tracked by the dispatch station 80. Therefore, it would have been obvious to one skill in the art to recognize that the personal security and tracking system of Hoffman et al for monitoring and tracking more than one individuals or animals being worn the remote alarm switch unit 40 and the signaling unit 20, within predetermined or preset boundaries.

Regarding claim 30, all the claimed subject matters are discussed in respect to claim 10 above.

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Regarding claim 31, all the claimed subject matters are discussed in respect to claim 10 above.

Regarding claim 37, all the claimed subject matters are discussed in respect to claim 10 above.

5. Claims 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hoffman et al** [US 6,624,754] in view of **Hayday** [US 4,932,910]

Regarding claim 32, **Hoffman et al** fails to disclose the control point being embodied in a recovery beacon. However, **Hoffman et al** teaches that the dispatch station 80 includes a computer system 90 controlling of user database, map information, GPS validate reliability, alarms, remote activation and communications with display consoles 92, data modems 86, intelligent telephone system 84 and each of the remote alarm switch units 40 and signaling units 20 to be worn by an individual 50, an animals or object such as downed aircraft via RF communications, see Figs. 1 and 7, col. 7, lines 7-29, col. 13, lines 21-67 and col. 14, lines 1-31. **Hayday** suggests that an emergency location marker system 11 for locating and rescuing an individual or downed aircraft in the water, comprising a flotation and an emergency position-indicating radio beacon EPIRP 48 to provide an RF signal indicating the position of the emergency location marker system 11 to facilitate satellite tracking, see Figs. 1-3, col. 1, lines 12-19, col. 2, lines 31-53 and col. 8, lines 12-39. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the EPIRP of **Hayday** for the RF

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communications of **Hoffman et al** for tracking and recovering of individual or downed aircraft lost in the ocean since both use of radio frequency transmission for communication to locate the individual or downed aircraft.

Regarding claim 33, all the claimed subject matters are discussed between **Hoffman et al** and **Hayday** in respect to claim 32 above, wherein the recovery EPRIP is floatable.

Regarding claim 34, all the claimed subject matters are discussed between **Hoffman et al** and **Hayday** in respect to claim 32 above, wherein the recovery EPRIP is life boat beacon, see Figs. 1 and 2 of Hayday.

Regarding claim 35, all the claimed subject matters are discussed between **Hoffman et al** and **Hayday** in respect to claims 1 and 32 above, and the storing at last known position as a function of the transmitted position (the computer system 90 for storing of emergency data information including map information, GPS validate reliability and historical database, see Fig. 7.

Regarding claim 36, all the claimed subject matters are discussed between **Hoffman et al** and **Hayday** in respect to claim 35 above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hoffman et al discloses a personal security and tracking system. [US 5,742,233]

Gaukel discloses an apparatus and method of monitoring mobile objects or persons utilizing GPS and cellular telephone communication. [US 6,100,806]

Taylor, Jr. discloses a monitoring system for monitoring a person and taking an action to dissuade the person from a course of action. [US 6,160,481]

Piri et al discloses an alerting mechanism is integrated into a physical support device to be worn by a user in the event of an accident or emergency, comprising a personal locator beacon module. [US 6,545,606]

Smith discloses an apparatus for determining and broadcasting the approximate location of a person or other object that has fallen overboard from a boat into a body of water, comprising GPS, GLONASS or other suitable satellite-base location and navigation system serves as rescuing beacon. [US 5,408,238]

7. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.

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A handwritten signature in black ink, appearing to read 'Van Trieu', with a stylized, flowing script.

Van Trieu
Primary Examiner
Date: 2/2/05